

REMARKS

I. Introduction

This is in response to the Final Office Action dated November 17, 2010, and the Advisory Action dated January 28, 2011. This response is filed concurrently with a Request for Continued Examination under 37 C.F.R. § 1.114

The Office Action rejected claims 1-3, 5-20, 23-25, 27-42, 45-46, 48-62, 65-76, and 78-81 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,529,725 to Joao et al. (*hereinafter* “Joao”). The Office Action rejected claims 21-22, 43-44, 63-64, and 77 under 35 U.S.C. 103(a) as being unpatentable over Joao.

The Advisory Action indicates the Examiner was not persuaded by the arguments presented in the Response after Final Office Action, dated January 17, 2011.

Claims 1-3, 5-13, 17-20, 22-35, 39, 40-42, 44-46, 48-56, 60-62, 64-70, 74-76, 78-81, and 78 have been amended. Claims 1-3, 5-25, 27-46, and 48-81 remain for consideration. No new matter has been added.

II. Claim Rejections

Independent claims 1, 23, 45, 46, 65, and 78 stand rejected under 35 U.S.C. § 35 U.S.C. § 102(e) as being anticipated by Joao. In order for a claim to be anticipated under 35 U.S.C. § 102, **each and every** limitation of the claim must be found either expressly or inherently in a single prior art reference. PIN/NIP, Inc. v. Platte Chem. Co., 304 F.3d 1235, 1243 (Fed. Cir. 2002). However, Joao does not show each and every limitation of the independent claims. Therefore, the rejection under 35 U.S.C. §102(e) should be withdrawn.

With respect to amended independent claim 1, Applicants note that claim 1 recites:

transmitting a managed message from a computational entity to a first device associated with a first user and to a second device associated with a second user;

receiving, from the first user, a payment transaction authorization associated with input responsive to the managed message, the payment transaction authorization from the first user

being independent of a payment transaction authorization from the second user; and

receiving an affirmative response in reply to the managed message from the first user in response to a successful payment associated with the payment transaction authorization, the affirmative response from the first user being independent of a response from the second user.

In accordance with claim 1, a managed message is transmitted “to a first device associated with a first user and to a second device associated with a second user.” Furthermore, “the payment transaction authorization from the first user [is] independent of a payment transaction authorization from the second user” and “the affirmative response from the first user [is] independent of a response from the second user.” Applicants respectfully submit that Joao fails to disclose all of the features recited by amended claim 1.

While Joao discloses “transmit[ting] respective signals and/or data to any one or more of the cardholder’s designated fax machine 5, personal computer 6, telephone 7, telephone answering machine 8, alternate telephone 9, alternate telephone answering machine 10, network computer 11, and/or alternate beeper 12 or alternate page 13” (Joao, col. 18, lines 22-28) and Joao more generally discloses “transmitting signals and/or data to the cellular telephone 202 and to the communication device 204 and/or to any other device which may be utilized,” Joao fails to disclose “transmitting a managed message from a computational entity to a first device associated with a first user and to a second device associated with a second user;” as recited by claim 1.

Furthermore, in the “Response to Arguments” of the Final Office Action, the Examiner notes that Joao discloses “that the system may call the cardholder and/or an alternate phone number or authorized individual for authorization of the transaction.” (Detailed Action, item 1, page 2 (*citing* Joao, col. 31, lines 32-47; and col. 39, lines 13-41)). However, the “alternate phone number or authorized individual” can only authorize the transaction associated with the individual account holder. Thus, Joao fails to disclose that “the payment transaction authorization from the first user being independent of a payment transaction authorization from the second user” as recited by claim 1. Joao further fails to disclose that “the affirmative

response from the first user being independent of a response from the second user,” as further recited by claim 1.

For at least the foregoing reasons Joao fails to disclose each and every feature of claim 1. Therefore, Joao fails to anticipate claim 1, and claim 1 is allowable. Applicants respectfully request reconsideration and withdrawal of this rejection.

Independent claims 23, 45, 46, 65, and 78 have been amended to recite features similar to those of claim 1 discuss above. Accordingly, claims 23, 45, 46, 65, and 78 are allowable over Joao.

All remaining claims depend from independent claims 1, 23, 45, 46, 65, or 78. Therefore, for at least the reasons discussed above with respect to their respective base claims, all remaining claims are neither anticipated nor obvious in view of Joao. Accordingly, all remaining claims are allowable over Joao.

Reconsideration and withdrawal of the rejections of claims 1-3, 5-25, 27-46, and 48-81 is respectfully requested.

III. No New Matter

The Amendments to claims 1-3, 5-13, 17-20, 22-35, 39, 40-42, 44-46, 48-56, 60-62, 64-70, 74-76, 78-81 do not add new matter. Support for these amendments can be found through the Specification and the Figures as originally filed.

IV. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

If this communication is filed after the shortened statutory time period has elapsed and no separate Petition is enclosed (or the enclosed Petition is insufficient), the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 06-2143.

Respectfully submitted,

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